

Walsh May Seek Indictment Of Reagan, Top Ex-Aides

Meese, Shultz, Regan Seen Under Pressure

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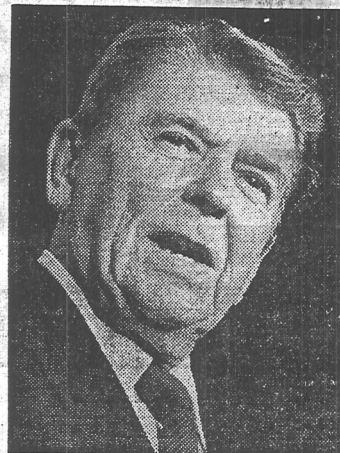
By Walter Pincus
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Independent counsel Lawrence E. Walsh will decide within the next 10 days whether to initiate legal moves that could lead to an indictment of former president Ronald Reagan and several of his closest advisers on charges that they criminally conspired to cover up one part of the Iran-contra scandal, sources said.

Walsh, in making his decision, will try to determine whether he can prove a conspiracy case and, if so, whether he feels he can gain a conviction against a popular former president for an alleged crime that happened six years ago and that has failed to generate much public outrage, sources said.

Sources said that if Walsh decides to bring a case it would involve an alleged criminal conspiracy by Reagan and his top aides in November 1986 to hide from federal and congressional investigators the U.S. role, which they feared was illegal, in a year-earlier secret arms-for-hostages shipment by Israel to Iran. The assistance involved shipment of U.S.-made Hawk anti-aircraft missiles.

Since the June 16 indictment of former defense secretary Caspar W. Weinberger in the Iran-contra affair, Walsh has been using a new federal grand jury to gather information from colleagues and onetime aides to three other officials in the Reagan administration—former attorney general Edwin Meese III,



RONALD REAGAN
... missile shipment to Iran at issue

former secretary of state George P. Shultz and former White House chief of staff Donald T. Regan.

Walsh will pursue the same strategy with them that was unsuccessful with Weinberger—trying to persuade one or all of them to be a witness to the alleged conspiracy rather

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er than be indicted, sources said. None has been named a target of Walsh's grand jury inquiry, but friends and lawyers familiar with the case say all three fear they could be indicted. Friends and associates of all three say they are under a lot of pressure because of Walsh's probe.

The so-called Iran-contra scandal, in which profits from covert arms sales to Iran were diverted to finance the contra insurgency against the Sandinista government of Nicaragua at a time when Congress had outlawed such assistance, has been the subject of other investigations, congressional hearings and prosecutions.

To go after Reagan at this point "would be considered cruel and vindictive," said one lawyer whose client is involved in the case. Reagan's Washington attorney, Theodore Olsen, as well as attorneys for his aides, could not be reached for comment.

Reagan has testified numerous

times about the Iran-contra affair, including giving a videotaped deposition in the trial of former national security adviser John M. Poindexter, whose conviction was overturned on appeal. In the Poindexter trial and in testimony earlier before his own special review board Reagan said he could not recall being informed of the shipment in advance.

Walsh is handling this closing phase of the 5½-year, controversial Iran-contra investigation, because most of his remaining lawyers are tied up with the trial of Clair E. George, former chief of CIA's clandestine operations and the future trials of former CIA operative Duane "Dewey" Clarridge and

Weinberger.

An alternative to prosecuting Reagan and the others is for Walsh to use his final report to describe the coverup that Walsh believes took place with the knowledge of Reagan and the others, sources said. They said that was the route Walsh planned to take until he discovered new information—mainly the notes of Weinberger and key State Department officials, Charles Hill and Nicholas Platt, that had not been produced to earlier investigators.

It was this material, obtained in late 1990 and 1991, that led to investigation of the high-level conspiracy.

When Weinberger refused to plead to a lesser charge, he was indicted on five felony counts and Walsh had to go forward without him, seeking to get the testimony he needed on the alleged conspiracy from Meese, Shultz and Regan.

Walsh could also name Reagan as an unindicted co-conspirator in an indictment naming one or more of his aides, sources said.

The elements of Walsh's view of the coverup can be pieced together from his public statements, the Weinberger indictment and congressional testimony.

The public and Congress became aware of secret U.S. arms shipments to Iran in early November 1986 and congressional committees began making inquiries. At that point, Reagan announced that no laws had been broken. Behind-the-scenes, however, White House officials feared Congress and eventually the public might learn of the year-earlier Israeli arms shipments, which some had already believed may have violated several U.S. laws, including the arms export control act and laws governing authorization of CIA covert actions.

In August and September 1985, with Reagan's approval, Israel secretly shipped 508 U.S.-made TOW antitank missiles to Iran, according to the report of the House-Senate Iran-contra investigation. These secret shipments resulted in the Sept. 14, 1985, release of the Rev. Benjamin Weir, one of five U.S. hostages then held in Lebanon by pro-Iranian militants. U.S. officials promised to replenish Israel's TOWs inventory.

In November, Israel planned to ship Hawk antiaircraft missiles to Iran to gain the release of the remaining U.S. hostages. Again Reagan was informed of the plan and approved, according to the congressional committee. This time, Israel asked for and received the help of the CIA in arranging the delivery of 18 Hawk missiles to the Tehran government.

Before delivery of the Hawks, Weinberger, according to his own newly discovered notes, warned then-White House national security adviser Robert C. McFarlane that such shipments could be illegal under the arms export act. The day after the shipment took place, then-CIA general counsel Stanley Sporkin determined that a presidential authorization for CIA participation, called a "finding," was needed.

At a Dec. 7, 1985, White House meeting, again according to Weinberger's notes, the defense secretary warned Reagan and others in attendance, including Shultz and Regan, that the 1985 TOW and Hawk shipments were illegal.

A year later, when the 1986 U.S. shipments of American arms to Iran became public, Justice Department and Defense Department lawyers worried that under the arms export

laws, Congress should have been informed of the 1985 transfers of Israeli-owned, but U.S.-made arms.

In Walsh's theory of an illegal coverup—first described in the Weinberger indictment—a series of White House meetings that took place in November 1986 to discuss how to handle the public and congressional demands for information about the arms-for-hostages dealings, resulted in a decision that the president and his aides hide Reagan's knowledge of the 1985 shipments.

On Nov. 10, 1986, at a White House meeting, then-national security adviser Poindexter described the details of the dealings with Iran and "omitted mention of the November 1985 Hawk missile shipment . . . or approval of any shipments prior to . . . 1986," the Weinberger indictment says. Walsh considers that meeting an event part of the broader coverup conspiracy, sources said.

Reagan, Regan, Shultz and Meese were at that meeting and none of them objected to Poindexter's omissions. Meese has maintained in his congressional testimony that he did not learn of any 1985 shipments until late 1986.

On Nov. 12, 1986, Poindexter briefed congressional leaders on the Iran dealings and again failed to disclose the 1985 shipments. When Sen. Robert C. Byrd (D-W.Va.) asked a question about origins of the program, Poindexter told him that there had been contacts in 1985 "but there had been no transfer of material to Iran then because it took time to assess the contacts and issue a finding," the Weinberger indictment says.

Reagan, Regan, Meese, and Shultz were at that meeting and apparently did not disagree with Poindexter's inaccurate presentation.

On Nov. 21-24, 1986, Meese undertook a series of interviews with top officials about their knowledge of the November 1985 Hawk shipment. At a White House meeting on Nov. 24, 1986, Meese said that shipment "may have been illegal, but that [Reagan] did not know about the shipment at the time," the Weinberger indictment says.

Under Walsh's theory, sources said, these three meetings were not designed to get at the truth; instead they were acts in carrying out the alleged coverup conspiracy and the statements made during the meetings were designed to tell officials who knew the truth, what they were to say.